

REMARKS

With regard to the rejection under 35 U.S.C. §112, first paragraph, Applicant repeats the arguments previously made of record. The arrows of Applicant's Figure 4 do not indicate that rotational movement about a vertical axis is possible.

By this amendment, the limitation of claim 4, namely, a cruciate-shaped axle, has been moved into claim 1, and claim 4 has been canceled. Withdrawn claims 5-15 have been canceled.

Claim 4 was rejected over Hedman et al. ('769) in view of Mehdizadeh ('609). While conceding that Hedman fails to disclose the cruciate-shaped axle, the Examiner argues that it would have been reasonable to "construct the device of Hedman" with a cruciate-shaped spring instead of a coil spring, in view of Mehdizadeh "as such would merely constitute a substitution of functionally equivalent structures." The Examiner's argument is not persuasive. In order to establish prima facie obviousness, there must be some teaching or suggestion from the prior art in support of a combination, a likelihood of success, and all claimed features must be present. In this case, there is no teaching or suggestion from the prior art in support of the Examiner's proposed combination, and there is no evidence whatsoever as to how a "cruciate-shaped spring" could be placed into the Hedman apparatus. Perhaps the Examiner could provide a drawing or a description of how this would be accomplished in order to provide a foundation for the way in which the successful combination would be achieved. Even if these two references could be brought together, Applicant recites a cruciate-shaped axle, and not a spring, such that not all of Applicant's elements would be present if the combination were legitimate.

Based upon the foregoing amendments and comments, Applicant believes all pending claims are in condition for allowance. Questions regarding this application may be directed may be directed to the undersigned attorney by telephone, facsimile or electronic mail.

Respectfully submitted,

By: 

John G. Posa

Reg. No. 37,424

Gifford, Krass, Groh, Sprinkle,

Anderson & Citkowski, PC

PO Box 7021

Troy, MI 48007-7021

(734) 913-9300 FAX (734) 913-6007

Email: jposa@patlaw.com

Dated: November 21, 2006